

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

CIVIL ACTION NO. 04-11934-GAO

NOAH GREENBERG)
Plaintiff)
)
v.)
)
TOWN OF FALMOUTH,)
AND GANNETT)
FLEMING, INC.,)
Defendants)

ASSENTED-TO MOTION TO CONTINUE TRIAL DATE

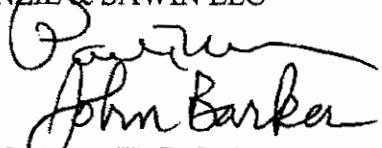
Now comes defendant and cross-plaintiff Gannett Fleming Engineers and Architects, PC (“Gannett” or “GF”), through its counsel of record, and hereby requests a continuation of the current trial date of 4/18/06, recently set by this Honorable Court. The reason for this request is that trial counsel for Gannett, Paul Michienzie, Esq., has a scheduling conflict with this trial date. Mr. Michienzie scheduled a European trip many months ago, long before this trial date was assigned by the Court, and his tickets and reservations have been made and paid for. The initial Scheduling Order submitted jointly by the parties stated that “the case should be ready for trial by April 2006,” but did not state any specific date for trial.

Other counsel in this case -- plaintiff’s counsel Richard Russell, and counsel for the Town of Falmouth Daniel Skrip -- have assented to Gannett’s request to continue the trial date. Gannett has cleared the following weeks with its witness(es) and with the other (undersigned) counsel herein: the weeks of June 19, July 17, and July 24, 2006. Plaintiff

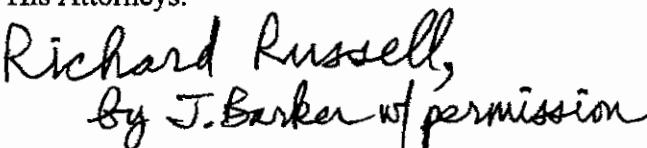
and defendants have made jury demands, so Gannett respectfully requests a date when a jury trial would be available.

GANNETT FLEMING, INC.
By Its Attorneys,
MICHIENZIE & SAWIN LLC

BY:

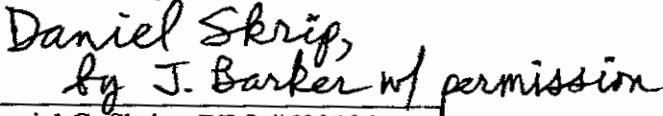

John C. Barker
Paul Michienzie - BBO #548701
John C. Barker - BBO #637406
745 Boylston Street, 5th Floor
Boston, MA 02116
Tel: (617) 227-5660

ASSENTED TO BY:
PLAINTIFF NOAH GREENBERG,
By His Attorneys:


Richard M. Russell, Esq.
by J. Barker w/ permission

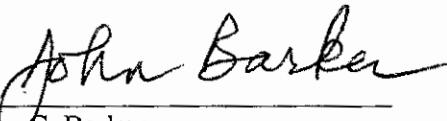
Richard M. Russell, Esq.
Heritage Place Condominium
205 Worcester Court, Unit B2
Falmouth, MA 02540
Tel: (508) 457-7557

ASSENTED TO BY:
TOWN OF FALMOUTH,
By Its Attorneys,


Daniel G. Skrip - BBO #629784
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston, MA 02110-1257
Tel: (617) 350-0950

CERTIFICATE OF SERVICE

I, John C. Barker, attorney for defendant, hereby certify that I have on this 9th day of February 2006, served a copy of the foregoing Assented-To Motion to Continue Trial Date, by mailing a copy of same, postage prepaid, to attorney for plaintiff, Richard M. Russell, Esq., Heritage Place Condominium, 205 Worcester Court, Unit B2, Falmouth, MA 02540, and by mail to Daniel G. Skrip, Esq., Pierce, Davis & Perritano, LLP, Ten Winthrop Square, Boston 02110-1257.


John C. Barker